

Before the Board of Supervisors
County of Placer, State of California

In the matter of:

Resol. No: _____

**A RESOLUTION APPROVING THE CLOSURE AND
BARRICADING OF A NORTHERN PORTION OF
CLARK TUNNEL ROAD, BICKFORD RANCH**

The following **RESOLUTION** was duly passed by the Board of Supervisors of the
County of Placer at a regular meeting held _____, by the following
vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Harriet White
Chairman, Board of Supervisors

Attest:
Clerk of said Board

Ann Holman

WHEREAS, local authorities may adopt rules and regulations for highways under California Vehicle Code Section 21101(a) providing for "Closing any highway to vehicular traffic when, in the opinion of the legislative body having jurisdiction, the highway is no longer needed for vehicular traffic", and Section 21101 (f) providing for the "installation of curbs and barriers to prohibit entry or exit from a roadway."

WHEREAS, Resolution 99-60, approved March 23, 1999, adopted a policy on the partial or complete closing to vehicular traffic of streets and highways within the jurisdiction of Placer County.

WHEREAS, having held a duly noticed public hearing the Board has considered the standards for closure contained in Resolution 99-60.

WHEREAS, the Board has determined that Clark Tunnel Road between the proposed intersection of Bickford Ranch Road and near the northerly boundary of the Bickford Ranch

project, as described and shown in attached Exhibit A, requires closure to vehicular traffic in the interest of the public's health, safety and welfare, upon the approval of any improvement plans, other than improvement plans for water or sewer lines, for the portion of Bickford Ranch east of Village 9A, as Village 9A is described in the Bickford Ranch Specific Plan adopted on December 18, 2001. The Specific Plan and related actions approved and adopted by the Board on December 18, 2001, and referred to herein as the "Project Approvals."

WHEREAS, the Board has determined on a separate and independent basis that Clark Tunnel Road between the proposed intersection of Bickford Ranch Road and near the northerly boundary of the Bickford Ranch project, as described in attached Exhibit A, will no longer be needed for vehicular traffic, upon the approval of any improvement plans, other than improvement plans for water or sewer lines, for the portion of Bickford Ranch east of Village 9A.

WHEREAS, on or about January 17, 2002, litigation was commenced to challenge the actions of the Board in granting the Project Approvals alleging, among other things, violations of the California Planning and Zoning law as well as violations of the California Environmental Quality Act in connection with the preparation and certification of the FEIR. The suits filed are more particularly identified as follows (and are referred to herein collectively as the "Project Approval Litigation"):

(a) Sierra Club, Sierra Foothills Audubon Society and California Oaks Foundation v. Placer County, et al. (Bickford Holdings, LLC, et al. Real Parties in Interest), Case No. SCV-12789; and

(b) Bickford Ranch Coalition of WPCARE; Town of Loomis v. County of Placer (Bickford Holdings, LLC et al. Real Parties in Interest), Case No. SCV-12793.

WHEREAS, anticipating the possibility of further proceedings to be undertaken in connection with the Project that could require consideration under the California Environmental Quality Act, Staff and the EIR consultant that prepared the FEIR, URS Corp., considered whether or not additional environmental documentation would be required, (i) to describe project changes, (ii) the changes in background circumstances, and (iii) other relevant criteria in accordance with the provisions of CEQA Guidelines Section 15162, all for the purpose of determining whether or not new environmental analysis was required in addition to that contained in the FEIR. Staff and URS Corp. have undertaken that analysis, concluded that the changes do not warrant preparation of a supplemental EIR or a subsequent EIR, and that all of the changes can be addressed in an addendum to the FEIR prepared pursuant to CEQA Guideline Section 15164. The Addendum has been prepared by Staff with the assistance of URS Corp., and has been presented to the Board as a predicate for its action herein. The Addendum is intended to be added to and become an integral part of the FEIR previously certified herein.

WHEREAS, after extensive argument concerning and resolution of various procedural issues, briefing, consideration of the Administrative Record and other matters at issue in the Project Approval Litigation, the Court filed its Statements of Decision on June 18, 2004, entered Judgment and issued a Writ of Mandate dated June 28, 2004, directing County to set aside the

Project Approvals, except for certification of the FEIR that the Court found to be proper. The Project Approvals to be set aside include Resolution 2001-343.

WHEREAS, by Resolution 2004-214, the Board has complied with the Court's Writ. The Board now desires to act on the Applicant's request to reenact the Project Approvals, including (but without limitation) a resolution closing and barricading a northern portion of Clark Tunnel Road.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Placer County that, upon the approval of any improvement plans, other than improvement plans for water or sewer lines, for the portion of Bickford Ranch east of Village 9A, Clark Tunnel Road shall be closed between the proposed intersection of Bickford Ranch Road and near the northern Bickford Ranch property boundary as described on attached Exhibit A.

BE IT FURTHER RESOLVED, that the Director of Public Works is authorized to close Clark Tunnel Road as described on attached Exhibit A, at such earlier time as the Director determines in writing is necessary to protect the public health, safety and welfare.

BE IT FURTHER RESOLVED, that the Director of Public Works is authorized to cause to be constructed such barricades and other improvements as are necessary to implement this closure, to accept such barricades, other improvements, and related real property interests as the property of the County, and to charge the cost of closure improvements to the developers of the Bickford Ranch project.

BE IT FURTHER RESOLVED, that upon acceptance by the County of the above-described closure improvements, the portion of Clark Tunnel Road between the proposed intersection of Bickford Ranch Road and State Route 193 shall be removed from the County's maintained mileage system.

BE IT FURTHER RESOLVED, that this Resolution affects vehicular traffic only and specifically allows for nonmotorized transportation and emergency vehicle access across and through the closure segment.

BE IT FURTHER RESOLVED, that the Board hereby approves the closure design as generally described on attached Exhibit B.

BE IT FURTHER RESOLVED, that the Board may reopen the closure segment to vehicular traffic at any time.

BE IT FURTHER RESOLVED that the Director of Public Works is authorized and directed to take such actions as are necessary to carry out the purposes and intent of this Resolution and to implement any conditions to the closure as may be directed by the Board of Supervisors.